

Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3229

C O N F I D E N T I A L MANILA 6281

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: AQUINO CASE UPDATE

REF: MANILA 6137

SUMMARY: GOP HAS ANNOUNCED IT WILL NOT PERMIT SENATOR AQUINO TO DIE. SENATOR IS REPORTEDLY BEING FED DEXTROSE SOLUTION. WHETHER INTRA-VENOUSLY OR NOT AND WHETHER AGAINST HIS WILL OR NOT IS UNCERTAIN. SUPREME COURT HAS REAFFIRMED RIGHT OF MILITARY COMMISSION TO TRY AQUINO. AT PERPETUATION HAVING MAY 9, FORMER NPA COMMANDER TESTIFIED AQUINO FINANCED DEMONSTRATIONS AGAINST CONGRESS, PRESIDENTIAL PALACE AND US EMBASSY IN 1969. AP HAS SURFACED HARVARD OFFER OF FELLOWSHIP TO AQUINO PRESUMABLY FROM AQUINO FAMILY SOURCE. DECISION NOT TO LET AQUINO EXPIRE WILL HEIGHTEN INTERNATIONAL CONCERN IN HIS CASE. WHAT LESSON MARCOS WILL CHOOSE TO DRAW FROM THIS CONCERN REMAINS UNCLEAR.

END SUMMARY

1. INFO SEC TATAD TOLD PRESS MAY 9 GOP WOULD NOT ALLOW SENATOR AQUINO TO DIE. TATAD SAID
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QUESTION OF PRESERVING AQUINO'S LIFE OVER HIS

OWN OBJECTION WAS "VERY COMPLEX". HE SAID "OUR INTEREST IS TO SERVE THE ENDS OF JUSTICE, OUR INTEREST IS TO SEE THERE IS DUE PROCESS AND WE WOULD DO ANYTHING NECESSARY TO HELP THE DETAINEE PRESERVE HIS LIFE". QUESTIONED ABOUT AQUINO'S OBJECTIONS TO INTRAVENOUS TRANSFUSION OF DEXTROSE, TATAD RESPONDED, "THAT IS A QUESTION I AM NOT COMPETENT TO ANSWER". ACCOUNT OF INTERVIEW WITH TATAD CARRIED BY AP BUT DID NOT APPEAR IN THIS MORNING'S LOCAL (MAY 10) PRESS.

2. IN LETTER DATED MAY 6 MRS. AQUINO DESCRIBED CIRCUMSTANCES SURROUNDING HER HUSBAND'S ADMISSION TO HOSPITAL, INCLUDING UNSUCCESSFUL EFFORT OF FEMALE PHYSICIAN FOR SENATOR AGREE TO INTRAVENOUS DEXTROSE SOLUTION INJECTIONS. SENATOR DID, HOWEVER, SUBSEQUENTLY ACCEPT DEXTROSE WATER AND AGREE TO TAKE GELUSIL TO PREVENT ADHESION OF INTESTINE. WE HAVE NO ADDITIONAL MEDICAL DETAILS SINCE REFTEL BUT MAY 10 PRIENT NEWS REPORTS AQUINO "IN GOOD HEALTH. HE NOW WALKS AROUND BRISKLY (SIC) AND WATCHES TELEVISION".

3. ON MAY 9 SUPREME COURT RELEASED 38-PAGE TEXT OF ITS APRIL 25 RESOLUTION UPHOLDING JURISDICTION OF MILITARY COMMISSION TO TRY AQUINO. VOTE WAS 8 TO 3 WITH CHIEF JUSTICE NOT PARTICIPATING SINCE HE RESPONDED IN CASE. SC DISMISSED AQUINO'S PETITIONS FOR PROHIBITION OF THE MILITARY COMMISSION FROM HEARING HIS CASE AND SET ASIDE THE TEMPORARY RESTRAINING ORDER IT HAD ISSUED APRIL 8. SC DECISION STATED THAT "ACCUSED BEING TRIED BEFORE A MILITARY COURT ENJOYS THE SPECIFIC CONSTITUTIONAL SAFEGUARDS PERTAINING TO CRIMINAL TRIALS". DECISION NOTED THAT IN MARTIAL LAW SITUATION, MARTIAL LAW ADMINISTRATOR MUST HAVE AMPLE AND SUFFICIENT MEANS TO QUELL REBELLION AND RESTORE CIVIL ORDER. COURT DISMISSED AQUINO'S CONTENTION THAT MARCOS HAD PREJUDGED HIS CASE BY SAYING "WE CANNOT INDULGE IN UNJUST-CONFIDENTIAL

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FIED ASSUMPTIONS". COURT DECISION WAS LEAD STORY IN MAY 10 EXPRESS.

4. ON MAY 9 AP SURFACED HARVARD OFFER OF FELLOWSHIP TO AQUINO, IT APPEARS FROM AN AQUINO FAMILY SOURCE.

5. AT PERPETUATION HEARING MAY 9 FORMER NPA MEMBE CUENCA DIZON (COMMANDER BUCCOY) TESTIFIED

SENATOR AQUINO GAVE NPA MONEY TO STAGE DEMONSTRATIONS IN FRONT OF CONGRESS, PRESIDENTIAL PALACE AND US EMBASSY IN 1969. STATE PROSECUTOR SAID SUBSEQUENT DIZON TESTIMONY WILL REVEAL AQUINO ALSO SUPPLIED COMMANDER MELODY WITH WEAPONS AND COMMANDER DANTE (BOTH NPA) WITH COMMUNICATIONS EQUIPMENT.

COMMENT: RECENT NYT EDITORIAL ON HUMAN RIGHTS SITUATION, SENATOR HARTKE'S MAY 6 SENATE SPEECH, UPCOMING VISIT OF INTERNATIONAL COMMISSION OF JURISTS REP, LELYVELD PIECE IN NYT, ALL PRESUMABLY IMPRESS UPON MARCOS FACT THAT AQUINO CASE FAR FROM FORGOTTEN DESPITE INTERNATIONAL DIS-TRACTION WITH EVENTS IN INDOCHINA. ADMISSION THAT GOVERNMENT IS NOW PREPARED KEEP AQUINO CONFINED IN HOSPITAL, FORCE FEEDING HIM IF NECESSARY, ADDS DISAGREEABLE NEW DIMENSION TO AQUINO CASE, ALTHOUGH THIS DECISION APPEARS LEAST COSTLY CHOICE. IT SEEMS CERTAIN TO HEIGHTEN INTERNATIONAL CONCERN. WHAT LESSON MARCOS WILL CHOOSE TO DRAW FROM THIS CONCERN, HOWEVER, REMAINS UNCLEAR.

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